NOES—10.

1	Mr. A. S. Damodaran Asan	6	Mr. K. Madhavan Pillai
2	D. C. Joseph	7	H. B. Mahomed Rowther
3	R. Kesava Pillai	8	K. P. Nilakanta Pillai
4	N. K. Krishna Pillai	9	Muruvelil Pachu Pillai
5	V. S. Krishna Pillai	10	A. Thanu Pillai

NEUTRALS—2

1	Mr. L. R. Raja Raja Varma Koil Tampuran	2.	Mr. Revati Nal Rama Varma Raja.

The motion was carried and the principle of the Bill was accepted by the House.

The Council adjourned for lunch at 2-5 P. M. and met again at 3-50 P. M.

The Secretary to the Legislative Council then read the title of the Travancore Village Panchayat Courts Regulation Amendment Bill.

THE TRAVANCORE INCOME TAX REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Travancore Income Tax Regulation VIII of 1090.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Before my friend proceeds with his observations on the Bill, I beg to bring to your notice, Sir, that, personally, a copy of the Bill was put into *my* hands only after I came into this Hall this morning. I know, Sir, that strictly speaking, under the Rules, the member in charge of a Bill may introduce it *any* time after the publication of the Bill in the Gazette, since by such publication the leave of the Council is dispensed with. Non-official members have almost always to ask for the leave of the House; sometimes Government members also ask for the leave of the House. In all these cases, where the leave of the House is asked for, a month's notice seems to be insisted upon by the Rules. In the present instance, Sir, in regard to the Bill which the learned Law Member now seeks to introduce, we have not had even a few hours' notice.

The Bill deals with an important piece of legislation which unfortunately is not satisfactorily understood even by members of the legal profession. To spring such a measure upon the Council, without giving the members time for understanding the implications of the provisions, appears to me to be taking advantage very literally of that provision in the Rules which says *'any time after publication in the Government Gazette the member may introduce it in the Council.'* There is no definite provision in the Rules or Standing Orders as to what time must elapse before a Bill that has been published in the Gazette is introduced in the Council, I am referring to Bills for which leave of the House is not necessary and has been dispensed with on account of

LIBRARY ARCHIVES Kerala Legislative Assembly

[Rao Bahadur K. A. Krishna Aiyangar.]

previous publication in the Gazette. It is certainly now outside the purview of this Council to amend the Rules Government alone have the power to amend the Rules. Until the Rules and Standing Orders are suitably amended I submit that some convention might be created which would provide reasonable time for the members to become acquainted with the provisions of the measure the principle of which they are asked to affirm. Otherwise, I respectfully submit, it would amount to the Government, or the mover of the Bill, taking undue advantage of the serious disability which the members shall be labouring under for no fault of theirs. It now rests with you, Sir, and the Law Member to say whether the introduction of the Bill is to be proceeded with today. At this stage I do not want to raise it as a point of order. I have poetically explained my difficulties in the matter.

In a much smaller matter, Sir, where the Standing Orders directed that there should be fourteen days' notice for all measures to be included in the preliminary agenda - of course, the provision for fourteen days' notice implies that that would be reasonable perio i that the ordinary members of the Council would require to understand and digest and to be in a position to offer useful criticism—when a similar question was raised some time back, your predecessor ruled that, as he was then advised, he was for accepting the objection and for postponing the introduction of the measure. The introduction of Mr. A. G. Menon's Kunapattom Bill was thus deferred. That is clear enough. In that case there is a strict provision that there ought to be fourteen days' notice. But merely because there is lack of a definite corresponding provision applicable to the present instance it does not follow that it is outside the resources of the powers of the Chair to provide all reasonable opportunities for debate especially when the measure appears to be in the nature of a taxing statute on the merits of which I do not feel warranted at this stage to make any observation.

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I regret I cannot agree with the learned Deputy President in his observation that it would be an infringement of the privileges of the House if I introduce the Bill today. But I fully appreciate his remarks that the members must be given ample time to study the measure, particularly because it is in the nature of a taxing statute.

MR. A. THANU PILLAI (*Trivandrum*): Would the Law Member admit that if copies of the Bill have not been sent to the members at all it would be an infringement of the privileges of the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That does not arise at all in the present instance because the Deputy President has stated that he *got* a copy of the Bill.

MR A. THANU PILLAI (*Trivandrum*): But no copy was sent to *me*. Just now I *asked* for a copy and got it.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not know about that. The rule says that at any time after the bill has been published in the Gazette it can be introduced ; and I have satisfied myself that it *has been* published in the Gazette.

MR. A. S. DAMUDARAN ASAN (*Mavelikara* cum *Karthikapalli*) : How are we to know whether it has been published or not? I am sure it was not published in the last week's Gazette.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have seen it in the Government Gazette of yesterday. If Mr. Asan wants it, I shall send him the Gazette in which it has been published. The Rule says that the Bill *can* be introduced at *any* time after publication in the Gazette.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) ; Does it mean that even if copies of the Bill had not been supplied to the members and even if only five minutes had elapsed since the publication of the bill, the bill can be introduced?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As a matter of *right* it *can* be introduced, though not always in *fairness*.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Is it *right, with due consideration of the rights of the Council also* ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Right is a right assured by the Law. At the same time I quite appreciate the learned Deputy President's observation that every member must be given ample opportunity and time to study the Bill In that view I have no objection to put off the introduction of the Bill till tomorrow.

MR. A. THANU PILLAI (*Trivandrum*) : Does publication mean mere printing in the press ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It means I think issuing out of the press.

So, then Sir, without committing myself to the position that the introduction of the Bill today would amount to an infringement of the rights of the House, I am perfectly agreeable to have it postponed till tomorrow. I may also say with regard to the further observations of Mr. Krishna Aiyangar that, as far as it lies in my humble capacity, I shall explain the principle of the bill and thus help the members as much as I can. I may also say that, if the principle of the Bill is approved by the Council I would move that it should go to a Select Committee and then it would again come back to the Council after 3 or 4 months, so that before it is passed into law the members are sure to have ample time and opportunity to express their views on it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The Law Member seems to assume that the bill would not be thrown out of the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I did not assume it. I stated:—'if the principle of the Bill is approved by the Council.....'

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): If they accept it, it would be without reading it or studying it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I have already submitted, in regard to those of the members who find that they have not had sufficient time to study the Bill, I shall explain the principles of the Bill as best as I can possibly do. And, in any case, if the principle of the Bill is accepted, it may be referred to an Select Committee which would give further time to the members to consider it. With these observations I would submit that, if it is the sense of the House, I am agreeable to postpone the introduction of the Bill till tomorrow.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): If I could have the privilege of a reply, Sir, I would submit that if, under a misconception or total ignorance of the Bill, even after having had the advantage of listening to my friend's explanation of the principle of the Bill, the Bill is referred to a Select Committee, the Select Committee will find its hands seriously tied up in making even necessary amendments militating against the principle of the Bill. Of course, it is open to the Council to throw it out at any stage. But that is an extreme contingency. I just put it to you, Sir, to consider whether, in the present instance, the interests of the country do demand the imperative introduction of the measure tomorrow itself. If there is no urgency about it, why not give us fair time to study and bring up such criticism, whether destructive or constructive in its character, as we may be able to muster up to our support when the opportunity arises. Postponement of the introduction of the Bill till tomorrow seems to me to be not a very generous concession for which I should be inclined to thank my friend, the Law member.

PRESIDENT: There seems to be some reason to think that all the members have not, in time, been supplied with copies of this Bill. I think, therefore, that Mr. Krishna Aiyangar's request to have some time allowed for the consideration of the Bill is only reasonable. But at the same time I should like to tell the House that it cannot be said that this is a measure about which there is no urgency. It will be also seen that it is a very short Bill. It seems to me there are only two matters in it. This amendment Bill is not a very complicated or elaborate Bill; and as such I would put it to the members that it may not be difficult for them to study the Bill and to consider it before tomorrow. If I may also say, after considering it, if tomorrow also the Deputy President or any other member feels that he has not had sufficient time to consider the Bill, the question of further postponement of the introduction of the Bill may be considered tomorrow. But, as I have already stated, it seems to me, having regard to the nature of the amendment Bill which is a very short one, that it would be possible for the members to read it up and to study it in time for tomorrow's meeting.

LIBRARY ARCHIVES Kerala Legislative Assembly

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I submit that I should not be understood to have waived my right of raising this question tomorrow, specifically as a point of order for the ruling of the Chair?

PRESIDENT: If you propose to raise it as a question of order, I wish you would raise it today. I thought you said that you were not raising it as a point of order.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I said that today I was not raising it as a point of order and that I was simply placing my difficulties for the consideration of the Chair. My submission now is that I should not be understood as having waived my right to raise it as a point of order *tomorrow*.

PRESIDENT: In that case, I should like you to raise it today.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Unfortunately, Sir, I got a copy of this Bill only at about 11·15 this morning. On a similar occasion in the past when we complained that we did not have sufficient time, the Bill was not introduced at all. Therefore, in the present instance also, when we found that copies of the Bill had not been supplied to us in time, we naturally thought that this time also the Government would not be very particular in hurrying up the introduction of the Bill. We have not therefore come prepared to argue it as a question of order. I therefore request that we may be given time till tomorrow to study the point so that we may hope to succeed in satisfying the Chair that it is substantially an infringement of the privileges of the House, though technically it may not be eligible to be dignified into that category, which it certainly behoves *you*, Sir, to cherish and support, as much as any other member on this side of the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I request that I may be allowed to speak on the point of order raised by my learned friend, the Deputy President.

PRESIDENT: Please wait, Mr. Nilakanta Pillai.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I do not raise the point of order today; I merely submitted that I should not be understood to have waived my right to raise it as a point of order *tomorrow*.

PRESIDENT: I am not quite clear myself about what you say. You wanted the postponement of the introduction of the Bill, and I have allowed it till tomorrow. I thought that would close the point.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): My only submission, Sir, is that the adjournment that you now propose to make does not conclude you from hearing us fully on a point of order tomorrow.

PRESIDENT: You wanted postponement of the introduction of the Bill; and postponement of it till tomorrow has been granted already. What the effect of it is may be decided when you renew the request tomorrow.

LIBRARY ARCHIVES Kerala Legislative Assembly